

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

ROBERT KING MALLARD, :
Plaintiff, :
vs. : **1:05-CV-02(WLS)**
KEVIN ROBERTS, EMMET GRISWOLD, :
and DR. JIMMY GRAHAM, :
Defendants. :

O R D E R

On June 22, 2005, the plaintiff filed his “Motion to Stay the Instant 42 U.S.C. § 1983 Civil Rights Action and Stay the United States Marshal from Serving the Instant Complaint Pursuant to Rule 4 Until the United States District Court’s District Judge Look Over all Objections and Reconsiderations and the Motion for the Appointment of Counsel also Order Dated June 15, 2005.” Due to plaintiff’s complaints of being unable to serve the defendants himself, the court on June 13, 2005, ordered service upon the defendants by the United States Marshal. It appears from the electronic docket that on June 14, the Clerk of Court mailed the Marshal the necessary paperwork for service upon the defendants. Although it can not be determined exactly when each defendant was served, a collective answer was filed on behalf of the defendants on July 11, 2005. That portion of plaintiff’s motion in which he seeks to stay service is therefore **DENIED** as **MOOT**.

The court will not stay this action pending review by the district judge. Should the recommendations of dismissal not be adopted those defendants will be served and the discovery period as to any new defendant will commence with the filing of the answer by that defendant.

As earlier stated this court has no authority to appoint counsel herein as this plaintiff is not an indigent. Plaintiff's motion to stay this case pending a review by the district judge of everything the undersigned has done herein is therefore **DENIED**.

SO ORDERED, this 20th day of September 2005.

/s/ Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE